

OFFICE OF CONGRESSIONAL ETHICS UNITED STATES HOUSE OF REPRESENTATIVES WASHINGTON, D. C. 20515

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QUARTERLY REPORT

APRIL - JUNE 2009

I. INTRODUCTION

The Office of Congressional Ethics ("OCE") is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, Officers and staff of the House and, when appropriate, referring matters to the Committee on Standards of Official Conduct (commonly referred to as the "Standards Committee").

The mission of the OCE and its Board is to assist the United States House of Representatives in upholding high standards of ethical conduct for its Members, Officers and staff and, in so doing, to serve the American people.

The following is a report of the OCE's work in the second quarter of 2009.

II. SUBMISSIONS

Any member of the public may bring a matter of suspected misconduct involving a Member, Officers or staff of the House to the attention of the OCE.

Approximately 67 private citizens have contacted the OCE in the April to June 2009 period. These contacts were of two types: (1) requests for information on the OCE and its procedures and (2) allegations of misconduct. Staff or any Board member may also submit information regarding an alleged violation for consideration by the Board.

III. BOARD ACTIONS

The OCE's investigations have two stages: (1) a preliminary review, which is completed in 30 days and (2) a second-phase review which is completed in 45 days, with the possibility of a 14-day extension. Two Board members (one appointed by the Speaker of the House and one appointed by the Minority Leader) may authorize a preliminary review if all available information provides a *reasonable basis* to believe that a violation may have occurred. Four Board members may vote to terminate a preliminary review.

Three Board members may authorize a second-phase review if all available information provides *probable cause* to believe a violation has occurred.

At the end of any second-phase review, the Board must recommend to the Standards Committee either that the matter requires the Committee's further review or that it should dismiss the matter. When it makes its recommendation, the OCE Board may also transmit to the Standards Committee a report that includes, among other things, findings of fact and citations to laws, rules or regulations that may have been violated.

A chart depicting the OCE's review process is attached to this report as Attachment A. This chart is also available on the OCE website at http://oce.house.gov.

Type of Referral to Referral to Action Standards Commence Commence Extend **Terminate** Standards Committee **Preliminary** Phase II Phase II Matter Committee Board Review Review Review for for Review **Meeting Date** Dismissal 0 4 0 0 April 24 0 4 May 29 6 0 0 0 5 1 8 2 0 June 26 4 0 0 **Total for Qtr** 5 14 4 6 4 1

Board Actions, Second Quarter 2009

After the June Board meeting the second-phase review in four matters ended. The Board shall address these reviews at their next regularly-scheduled meeting in July.

IV. A NOTE ON COOPERATION

The Board notes that it has opened 24 reviews since it began considering matters in March 2009. In all but one case, Members of the United States House of Representatives have fully cooperated with the Board's review. With one exception, Member cooperation has been timely. The Board has also received a high level of cooperation from third-parties who possess information that is relevant to the Board's reviews.

V. A NOTE ON PUBLIC RELEASE OF OCE REPORTS

House Resolution 895 of the 110th Congress as amended (the "OCE Resolution") requires the Office to conduct confidential investigations. The OCE does not comment on specific matters until those matters are subject to public release under the process outlined in the OCE Resolution. In addition, the OCE does not make any public statement when it refers a matter to the Standards Committee for further review.

A chart depicting the schedule for public disclosure of OCE reports is attached to this report as Attachment B. This chart is also available on the OCE website at http://oce.house.gov.

Attachment A



THE OCE REVIEW PROCESS

STANDARD OF PROOF

REASONABLE CAUSE TO

BELIEVE ALLEGATIONS PHASE I

Preliminary Review

Speaker, one by Minority Leader) may submit written request that initiates Two Board members (one appointed by preliminary review.

BOARD

DECISION

initiate second phase review, IF THREE members do not vote to preliminary review. FOUR members may vote to terminate

investigation terminates

subject of investigation and Standards Committee. UPON INITIATION, OCE must inform

> OCE must inform subject of UPON INITIATION,

investigation and Standards

findings to Standards Committee. inform subject and may send a report and UPON TERMINATION, OCE must

DISCLOSURE NOTICE &

no public disclosure of OCE's investigation or any related information IF INVESTIGATION IS TERMINATED

30 DAYS

45 DAYS (+14)

BELIEVE ALLEGATIONS PROBABLE CAUSE TO

FURTHER REVIEW PHASE II

vote to initiate second phase review THREE, with quorum present, may

for 14 days. Four members may extend review

a second phase review FOUR members may vote to terminate

STANDARDS COMMITTEE MAKES

person who submitted information. COPY of "report" sent to subject and

circumstances (see p. 2). REFERRAL PUBLIC under certain

SUBSTANTIAL REASON TO BELIEVE ALLEGATIONS

STANDARDS COMMITTEE REFERRAL TO

FOUR members may vote to refer a matter to Standards Committee for FURTHER REVIEW OR DISMISSAL.



FINDINGS

REPORT

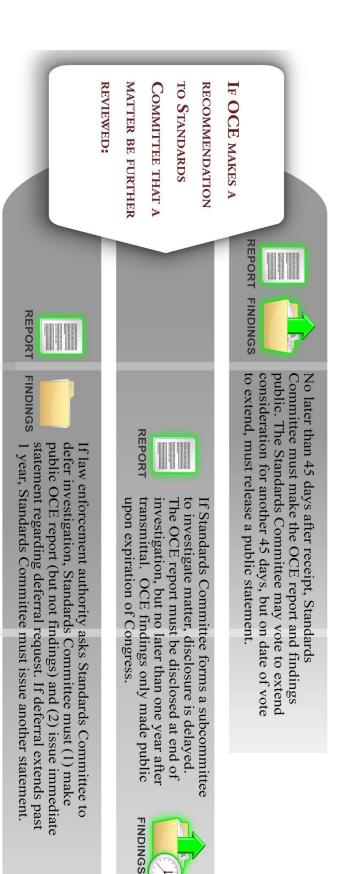
matter reported to Standards either further review or dismissal, IF FOUR members do not support Committee as UNRESOLVED

Attachment B



PUBLIC RELEASE OF OCE REFERRALS

FURTHER REVIEW



45 DAYS

ONE YEAR

> ONE YEAR



Public Release of OCE Referrals

Dismiss/No Recommendation







REPORT

FINDINGS

If Standards Committee fails to act, default schedule is triggered: the Standards Committee must make the OCE report and findings public no later than 45 days after receipt. If Standards Committee votes for 45-day extension, no public statement is necessary.



DUE TO A TIE VOTE: RECOMMENDATION OR (2) MAKES NO MATTER BE DISMISSED, COMMITTEE THAT A THE STANDARDS RECOMMENDATION TO

FINDINGS

REPORT

(1) MAKES A IF OCE EITHER

material public, however. If Standards Committee affirmatively votes to dismiss the matter, then OCE report and Committee may at its discretion make OCE findings need not be made public. Standards



investigation, but no later than one year after transmittal. OCE findings only made public to investigate matter, disclosure is delayed. The OCE report must be disclosed at end of upon expiration of Congress. If Standards Committee forms a subcommittee





REPORT

only need issue statement regarding the deferral If law enforcement authority requests that Standards Committee defer investigation, Standards Committee request. If deferral extends past 1 year, Standards Committee must issue another statement.

45 DAYS

ONE YEAR

> ONE YEAR